

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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VICTOR ROBERT BROWN,

Plaintiff,

v.

GED/HSED TESTING SERVICE,

Defendant.

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ORDER

Case No. 14-cv-51-wmc

Plaintiff Victor Robert Brown, a prisoner incarcerated at the Green Bay Correctional Institution in Green Bay, Wisconsin, has filed a proposed civil complaint. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915, in which case the fee is \$350. Plaintiff has submitted a motion for leave to proceed *in forma pauperis*. (Dkt. # 2). The court cannot consider this motion, however, because it lacks information regarding plaintiff's eligibility for indigent status.

To the extent that plaintiff wishes to proceed *in forma pauperis*, he must comply with the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which requires indigent inmates to pay by installment the entire filing fee for civil actions and appeals. The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether a prisoner qualifies as indigent, his motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the

date of his complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has failed to satisfy this requirement.

Until plaintiff pays the fee or provides documentation in support of his request for indigent status, the court will take no further action in this case. Accordingly, plaintiff must either pay the \$400 filing fee or submit a copy of his trust fund account statement no later than February 19, 2014.

#### ORDER

IT IS ORDERED that plaintiff Victor Brown may have until February 19, 2014 to submit the \$400 filing fee or a certified copy of his trust fund account statement for the period beginning approximately August 20, 2103 and ending approximately January 20, 2014. If, by February 19, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 31st day of January, 2014.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge